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Director's Office  
Office of Patent Publication

In re Application of :  
Ariel Hazi, et al. :  
Application No. 09/577,268 : **DECISION ON PETITION**  
Filed: May 23, 2000 :  
Attorney's Docket No. 254/147 :

This is a decision on the Petition To Withdraw Holding Of Abandonment For Failure To Pay Issue Fee Under 37 CFR 1.181(a), received in the United States Patent and Trademark Office (USPTO) via facsimile transmission on February 4, 2005.

The application was held abandoned for failure to timely pay the issue fee as required in the Notice of Allowance and Fee(s) Due, mailed July 22, 2004, which set a three (3) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed on January 13, 2005.

The petition is **DISMISSED**. Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO MONTHS (2) from the mail date of this decision.

Petitioner states that the issue fee was paid in full on June 25, 2004. Petitioner also note that a Corrected Notice of Allowance was sent in error on July 22, 2004, since there were no material corrections on the Notice of Allowance and since the Issue Fee and Publication Fee had already been paid.

A Notice of Allowance and Fee(s) Due with Part B – Fee(s) Transmittal was mailed by the USPTO on March 26, 2004. Part B – Fee(s) Transmittal was received in the USPTO on June 25, 2004. The issue fee was charged to the applicant's credit card on June 28, 2004. However, a Corrected Notice Of Allowance And Fee(s) Due (NOA), with Part B – Fee(s) Transmittal was mailed on July 22, 2004. Petitioner may contact Examiner, Forest Thompson, AU 3625, to inquire why the corrected NOA was mailed. Although, the corrected NOA and Part B – Fee(s) Transmittal indicated that \$0 fee(s) was due, the applicant was required to return the Fee(s) Transmittal, PTOL-85B (Transmittal).

Petitioner's attention is directed to the last sentence in the following text, of which was also referenced by the petitioner:

**.... THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.**

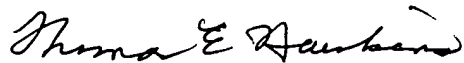
The applicant did not return the PTOL-85B as required, and as a result thereof, the proper abandonment of the application.

Petitioner may seek relief by filing a Petition for Revival of Abandoned Application under 37 CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

Further correspondence with respect to the Petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 703-305-9282 or as follows:

By mail:                      Commissioner for Patents  
                                    P O Box 1450  
                                    Mail Stop Petitions  
                                    Alexandria, VA 22313-1450

Telephone inquires concerning this decision may be directed to the undersigned at 703-308-9250.



Thomas E. Hawkins  
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Office of Patent Publication